

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**DEFENDANT ROSEWILL INC.'S NOTICE OF JOINDER IN
DEFENDANT DELL INC.'S REPLY IN SUPPORT OF ITS CORRECTED
MOTION TO DISMISS PLAINTIFF'S ALLEGATIONS OF INDIRECT
INFRINGEMENT AND WILLFUL INFRINGEMENT FOR FAILURE TO
STATE A CLAIM**

Defendant Rosewill Inc. ("Rosewill") hereby joins Defendant Dell Inc.'s Reply in Support of its Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 273) and the arguments and authorities found therein. Rosewill has previously joined Dell's Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 176 (Rosewill's Notice of Joinder); Document 164 (Dell's Corrected Motion to Dismiss)).

AdjustaCam LLC's ("AdjustaCam") allegations of indirect infringement against Rosewill are the same as those it has asserted against Dell Inc. ("Dell"), and are deficient for the reasons set forth in Dell's Reply. (Compare First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 92 (Dell), 172 (Rosewill).) In addition, AdjustaCam's allegations of willfulness against Rosewill are the same as those it has asserted against Dell, and are deficient

for the reasons set forth in Dell's Reply. (See First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 224-25.)

Because AdjustaCam has not adequately pled the required facts to support an allegation that Rosewill indirectly or willfully infringed the patent-in-suit, its indirect infringement and willful infringement claims against Rosewill should be dismissed.

Dated: October 7, 2010

Respectfully submitted,

By: /s/ Justin N. Stewart

Justin N. Stewart
State Bar No. 24067889
Zarian Midgley & Johnson PLLC
960 Broadway, Suite 250
Boise, Idaho 83706
(208) 562-4900 Telephone
(208) 562-4901 Facsimile
E-mail: stewart@zarianmidgley.com

Trey Yarbrough
State Bar No. 22133500
Debby E. Gunter
State Bar No. 24012752
Yarbrough Wilcox, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, Texas 75702
(903) 595-3111 Telephone
(903) 595-0191 Facsimile
E-mail: trey@yw-lawfirm.com
debby@yw-lawfirm.com

ATTORNEYS FOR DEFENDANT
ROSEWILL INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of October, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Justin N. Stewart
Justin N. Stewart